



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zigmond et al.

Art Unit: 2182

Application No.: 09/153,577

Filed: September 15, 1998

For: TELEVISION/INTERNET TERMINAL USER
INTERFACE

Examiner: T. Peyton

Date: July 16, 2001

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**DECLARATION OF PRIOR INVENTION UNDER 37 CFR 1.131 TO OVERCOME CITED
PATENT**

As a below named inventor, I declare that I am an inventor of the subject matter claimed in claims 6, 16, 21, and 30 of the above-referenced patent application. I do not know and do not believe that the invention of claims 6, 16, 21, and 30 has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to the filing date of this patent application. Furthermore, I have never abandoned the above-referenced claimed invention, and I have read and understood claims 6, 16, 21, and 30.

REDUCTION TO PRACTICE

The undersigned further declares that the subject matter of claims 6, 16, 21, and 30 was reduced to practice before May 28, 1998. In support of this declaration, the undersigned alleges the following facts:

- 1) Before May 28, 1998, WebTV Networks, Inc. released the WebTV Plus Receiver. Exhibit A, entitled "WebTV Networks Introduces Revolutionary Next-Generation System," and Exhibit B, entitled "Advertisements with TV Crossover Links Directly Tie TV Commercials to

Advertiser's Web Content," are press releases dated September 16, 1997 from WebTV Networks describing the expected release of the WebTV Plus Receiver in fall 1997. Exhibit C is a collection of change documentation entries describing changes made between July 18, 1997 and September 30, 1997 to source code used in the WebTV Plus Receiver.

2) Before May 28, 1998, the subject matter of claims 6, 16, 21, and 30 was enabled in the WebTV Plus Receiver and worked for its intended purpose. Exhibits A and B generally describe operation of a WebTV Plus Receiver in conjunction with a "TV Crossover Link" of the WebTV Plus Network service. Exhibit C describes source code changes implementing a user interface for crossing between display of a television signal and display of World Wide Web content referenced by a URL, including the use of a "Crossover Mark" and a "Crossover Panel" as user interface features. [See e.g., Exhibit C, Change 8532 and Change 9003.]

3) Before May 28, 1998, the WebTV Plus Receiver in conjunction with a television set was able to operate a screen to transition between display of a television signal and display of auxiliary data from an auxiliary data network as recited in claim 6. See Exhibit C.

4) Before May 28, 1998, the WebTV Plus Receiver in conjunction with a television set was able to operate a screen to transition between display of a televised advertising message and display of additional information from the Internet relating to the subject of the advertising method as recited in claim 16. See Exhibit C.

5) Before May 28, 1998, the WebTV Plus Receiver in conjunction with a television set was able to operate a screen to crossover between display of television programming and display of supplementary data from the Internet as recited in claim 21. See Exhibit C.

6) Before May 28, 1998, the WebTV Plus Receiver in conjunction with a television set was able to operate a screen to crossover between display of a television signal and display of auxiliary data from an auxiliary data network as recited in claim 30. See Exhibit C.

7) The ideas, concepts, and reductions of the present invention arose from the efforts of the undersigned inventors at the Mountain View, California, U.S.A. offices of WebTV Networks, Inc. Thus, the conception and reduction of the present invention occurred in the United States of America.

The undersigned declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Daniel J. Zigmond

At _____
(City and State)
on this ____ day of July, 2001

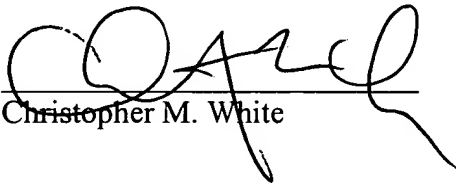
The undersigned declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David R. Anderson

At _____
(City and State)
on this ____ day of July, 2001

The undersigned declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

At SAN FRANCISCO, CA
(City and State)
on this 11 day of July, 2001
11/1/2001



Christopher M. White

The undersigned declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jeffrey D. Yaksick

At _____
(City and State)
on this ____ day of July, 2001